

1 HONORABLE ROBERT J BRYAN
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IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE WESTERN DISTRICT OF WASHINGTON

8 NATHEN BARTON, Plaintiff,
9 vs.
10 SERVE ALL, HELP ALL, INC, Defendant
11
12 AND RELATED COUNTERCLAIM

No. 3:21-cv-05338-RJB

DECLARATION OF DONNA GIBSON
IN SUPPORT OF RESPONSE TO
MOTION TO COMPEL

Noted on Motion Calendar:
December 16, 2022

I, Donna Gibson, declare as follows:

1. I am the attorney of record for the defendant/counterclaimant in the above-referenced
2 matters and I make this declaration on their behalf and in that capacity.
3. As mentioned in Dkt 100, the **agreed** motion to amend discovery deadlines previously
4 and discussed with Mr. Barton, I met with my client in person on the Monday after
5 Thanksgiving, November 28, 2022. I received information to be put into declarations
6 and responses to discovery. I also received during that meeting, 100s of pages of
7 documents via email, to review and redact as appropriate and to Bates stamp.

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24 DECLARATION IN SUPPORT OF RESONSE TO MOTION TO
COMPEL

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LAW OFFICE OF DONNA BEASLEY GIBSON
1415 Commercial Ave Suite 209
Anacortes, WA 98221
206-242-5529

3. My meeting concluded around 5 pm and I caught a flight home which landed around midnight. It was delayed a bit. Attached hereto as **Exhibit A** is a true and correct copy of my flight itinerary.

4. Upon return, I began bates stamping. I also had several court appearances so I could not devote my full time to this task. Then on Wednesday, November 30, 2022, I emailed Mr. Barton and sent him the declaration of Chris Duncan, SAHA's IT person, and told him that bates numbering was a bit tedious but I was working on it. Attached hereto as **Exhibit B** is a true and correct copy of that email.

5. Later on Wednesday, November 30, 2022 asked him if he wanted me to redact information that was related to other people or if we could reach an agreement as to those documents. He wanted me to redact. Attached hereto as **Exhibit C** is a true and correct copy of that email.

6. On Thursday, I was not yet finished with my redactions and bates stamping. I was in bed and noticed that he had filed a motion to compel shortly after midnight. I responded that bates stamping was taking a bit and that he would have everything by Monday (meaning December 7, 2022). Attached hereto as **Exhibit D** is a true and correct copy of that email.

7. A few hours later, my husband called the EMTs as I was not responsive to questions, my blood pressure was exceptionally high, my ears were ringing, , I had chest pains and irregular heart beat, numbness in my extremities, among other things, after some very unexpected exceptionally stressful events that occurred the prior week and earlier that evening. (I will not put on the public record but would provide in chambers in some other sealed, private fashion, if necessary). Attached hereto as **Exhibit E** is a true and

1 correct copy of the letter that the ER doctor issued, placing me on leave for two weeks,
2 to return on December 19, 2022. (I have redacted my birthdate and part of my account
3 number and medical record number for privacy purposes) I emailed that to Mr. Barton
4 on December 2 as well.

- 5 8. Part of why I was in the ER was due to stress and Mr. Barton's actions not only
6 contribute to my stress but they are a complete waste of time when I have to stop
7 working on the case and respond to his myriad of motions that are either unnecessary or
8 irrelevant. He knew six hours before filing this motion that I was working on
9 redacting and bates stamping documents
- 10 9. I am not willfully withholding information or delaying this case. I am the only attorney
11 in my civil practice. There is a lot of information to get through a lot of discovery
12 responses to amend and it takes time, and I want to be accurate and thorough, however,
13 I had a health scare and am trying to abide by my doctor's orders. I was overly
14 ambitious in thinking that I could get this done while on medical leave.
- 15 10. I also just noticed that the docket entry states this is noted for December 16 but the face
16 of the documents states that it is noted for December 23, 2022.
- 17 11. Mr. Barton has prematurely filed this motion as I have not refused to give him
18 information – in fact, I have the documents and updated information and up until he
19 noted his motion and I ended up in the ER, I was actively working on preparing those
20 documents and the information that I obtained for disclosure to him – but he filed this
21 motion in the meantime, only about six hours after he asked me to redact information
22 from documents, after business hours at that.
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I declare under penalty of perjury under the laws of the State of Washington and the United States
that the foregoing is true and correct to the best of my knowledge, dated this 12th day of December,
2022 at Anacortes, Washington.

s/ Donna Gibson
Donna Gibson

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